

13-5-2.5. Procedure to prevent unfair competition.

Unless otherwise provided in this chapter:

(1) Unfair methods of competition in commerce or trade are unlawful and shall be enjoined as provided by this section.

(2) The division may prevent persons, except banks, common carriers, and other public utilities subject to regulation, from using unfair methods of competition in commerce or trade.

(3) If the division has reason to believe that any person has been or is using unfair methods of competition in commerce or trade, and it appears to the division that it would be in the interest of the public to stop the unfair methods of competition, the division may begin adjudicative proceedings and may issue an order directing the person to cease and desist from using those methods of competition.

(4) The division may file suit to enjoin and restrain a person from conducting the unfair competition if:

(a) after the adjudicative proceedings, the executive director believes that the method of competition in question is prohibited by this section; or

(b) no hearing is requested; and

(i) the person accused of unfair competition does not cease the unfair competition; or

(ii) the person accused of unfair competition begins the unfair competition again after discontinuing it.

(5) The attorney general, or the county attorneys in their respective counties, shall conduct unfair competition proceedings upon request by the division.

(6) No order of the division or judgment of the court to enforce the order may waive the liability of any person under the antitrust laws or other laws of this state.

(7) (a) Complaints, orders, notices, and the processes of the division may be served by anyone authorized by the division by:

(i) delivering a copy to the person to be served, to a member of the partnership to be served, or to the president, secretary, other executive officer, or a director of the corporation to be served;

(ii) leaving a copy at the principal office or place of business of the person; or

(iii) sending by registered mail a copy addressed to the person at his principal place of business or office.

(b) The verified return by the person serving the complaint, order, notice, or other process setting forth the manner of service or the return post-office receipt for the complaint, order, notice, or other process sent by registered mail is proof of service.

Amended by Chapter 161, 1987 General Session